

REMARKS

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 1-20 are pending in the application. Claims 1-6 remain unchanged notwithstanding the art rejections manifested in the Office Action. New claims 7-20 have been added to provide Applicants with the scope of protection to which they are believed entitled. The new claims find solid support in the original specification and the drawings. A revised Abstract has been submitted per the Examiner's request. No new matter has been introduced through the foregoing amendments.

The Examiner's comments on the listing of references in the specification and the previously submitted IDS are noted. Applicants respectfully submit that the JP 2002-35033 reference mentioned in the specification has been properly listed in the IDS and the relevancy of the JP 2002-35033 reference has been explained in the specification. *See* the "Background of the Invention" section on pages 1-3. It should be noted that 37 CFR 1.97 and 1.98 do not require an English Abstract of the JP 2002-35033 to be submitted for consideration. The rules only require a concise explanation of the relevancy of the reference which can be, and in this particular case has been, provided in the specification. Consideration of the JP 2002-35033 is therefore believed appropriate and courteously solicited.

The Examiner's objection to the Abstract is believed overcome in view of the above amendments. The revised Abstract now contains less than 150 words and is free of legalese.

The art rejections relying primarily on U.S. Patent Application Publication No. 2004/0133178 (hereinafter "the '178 Publication") are traversed, because the '178 Publication is not prior art applicable against the claims of the instant application.

Indeed, the '*178 Publication* is not 35 U.S.C. 102(a) or 35 U.S.C. 102(b), prior art because its publication date of July 8, 2004 postdates the US filing date of the instant application, i.e., January 9, 2004.

The '*178 Publication* is not 35 U.S.C. 102(e) prior art because it does not have a 35 U.S.C. 102(e) date. It should be noted that references based on the national stage (35 U.S.C. 371) of an International Application filed on or after November 29, 2000 and which was not published in English under PCT Article 21(2) do not have a 35 U.S.C. 102(e) date. See Example 5, section 706.02(f)(1), *MPEP*, 2nd Revision, MAY 2004. In this case, the '*178 Publication* is based on the national stage (35 U.S.C. 371) of International Application PCT/JP02/04049, which was filed April 23, 2002, i.e., after November 29, 2000, and which was published in Japanese (*see* attached Exhibit A), i.e., not in English. Therefore, the '*178 Publication* does not have a 35 U.S.C. 102(e) date and is not 35 U.S.C. 102(e) prior art.

The 35 U.S.C. 102(e) rejection of claim 1 is further traversed, because the Examiner's allegation that the '*178 Publication* in the cited portion, i.e., paragraph [0037], lines 1-3 and 13-16, teaches the limitation "capable of pulling the first and second zones under a contractible force" is inaccurate. See the last two lines on page 4 of the Office Action. Applicants have carefully reviewed the cited portion and still failed to locate the alleged teaching. The Examiner is kindly asked to review the cited passage and provide Applicants with clarification.

The 35 U.S.C. 103(a) rejection of claims 2 and 3 is further traversed, because the Examiner's "well known" allegations are evidentially unsupported. The Examiner is kindly asked to cite reference or references of good date that show(s) the allegedly well-known features. See *MPEP*, section 2144.03 (As noted by the court in *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970), the notice of facts beyond the record which may be taken by the examiner must be "capable of such instant and unquestionable demonstration as to defy dispute.")

The 35 U.S.C. 103(a) rejection of claims 4-5 is further traversed, because the teaching reference of EP 1,346,713 (hereinafter "*EP '713*") is not prior art. The earliest effective reference date of *EP '713* is September 24, 2003 which is antedated by the foreign priority date of January 10, 2003 of the instant application. In order to perfect the priority claim in the instant application, a sworn English translation of the certified priority document is submitted herewith. (Attached Exhibit B is a copy of the filing postcard showing that a certified copy of the priority document has been received in the USPTO).

Withdrawal of all art rejections manifested in the Office Action is now believed appropriate and therefore courteously solicited.

New claim 7 is patentable over the cited references because the references do not teach or suggest the claimed feature that the first and second elastic members are disposed between and inwardly spaced from the longitudinal barriers. See FIG. 3 of the instant application.

New claim 8 is patentable over the cited references because the references do not teach or suggest the claimed feature that each of the first and second elastic members is directly attached to the core. See FIG. 4 and page 12, lines 5-7 of the instant application.

New claim 9 is patentable over the cited references because the references do not teach or suggest the claimed feature that the first and second elastic members are disposed below the core, between the core and an impervious cover sheet covering a lower surface of the core. See FIG. 4 of the instant application.

New claim 9 is patentable over the cited references because the references do not teach or suggest the claimed feature that the first and second elastic members are shorter than the core as measured in the longitudinal direction of the article. See FIG. 3 of the instant application.

New independent claim 11 is patentable over the cited references because the references do not teach or suggest, among other things, the claimed feature that the first and second elastic members are disposed between and inwardly spaced from the longitudinal barriers.

Claims 12-20 depend from claim 11, and are considered patentable at least for the reason advanced with respect to claim 11.

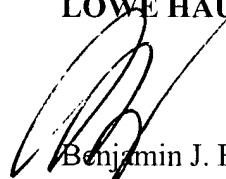
Each of the Examiner's rejections has been traversed. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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